

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Warren Jay Braschwitz**
Docket No. **267506**
L.C. No. **97-813602**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the December 9, 2005 order denying appellant's application to set aside conviction is **DISMISSED** for lack of jurisdiction since it is a postjudgment order that is not appealable as a matter of right to this Court. MCR 7.202(6)(b) and 7.203(A)(1). See also MCL 780.621(9) ("The setting aside of a conviction under this act is a privilege and conditional and is not a right"). If appellant still wants to challenge this order, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 23 2006

Date

Sandra Schultz Mengel
Chief Clerk